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STATUTORY INSTRUMENTS

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**2004 No. 585**

**The National Health Service  
(Performers Lists) Regulations 2004**

**PART 1**

**GENERAL PROVISIONS AS TO PERFORMERS LISTS**

**Conditional inclusion**

**8.—**(1) A Primary Care Trust may determine that, if a performer is to be included in its performers list, he is to be subject, while he remains included in that performers list, to the imposition of conditions, having regard to the requirements of section 28X(6) (preventing fraud or prejudice to the efficiency of the service).

(2) If a performer fails to comply with a condition, which has been imposed by the Primary Care Trust, it may remove him from its performers list.

(3) Where the Primary Care Trust is considering the removal of a performer from its performers list for breach of a condition, it shall give him—

- (a) notice of any allegation against him;
- (b) notice of the grounds for the action it is considering;
- (c) the opportunity to make written representations to it within 28 days of the date of the notification under sub-paragraph (b); and
- (d) the opportunity to put his case at an oral hearing before it, if he requests one within the 28 day period mentioned in sub-paragraph (c).

(4) If there are no representations within the period specified in paragraph (3)(c), the Primary Care Trust shall decide the matter and, within 7 days of making that decision, notify the performer of—

- (a) that decision and the reasons for it (including any facts relied upon); and
- (b) any right of appeal under regulation 15.

(5) If there are representations, the Primary Care Trust must take them into account before reaching its decision and shall then, within 7 days of making it, notify the performer of—

- (a) that decision and the reasons for it (including any facts relied upon); and
- (b) any right of appeal under regulation 15.

(6) If the performer requests an oral hearing, this must take place before the Primary Care Trust reaches its decision, and it must then, within 7 days of making that decision, notify him of—

- (a) that decision and the reasons for it (including any facts relied upon); and
- (b) any right of appeal under regulation 15.

(7) When the Primary Care Trust notifies the performer of any decision, it shall inform him that, if he wishes to exercise a right of appeal, he must do so within the period of 28 days beginning with the date on which it gave him the notice informing him of its decision and shall tell him how to exercise any such right.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(8) The Primary Care Trust shall also notify the performer of his right to have the decision reviewed in accordance with regulation 14.

(9) Where the Primary Care Trust determines that a performer—

(a) may be included in its performers list, but subject to conditions imposed under this regulation; or

(b) is to be subject to conditions while he remains included in its performers list,

his name may be included (or continue to be included) in its performers list during the period for bringing the appeal to the FHSAA pursuant to regulation 15, or if an appeal is brought, until such time as that appeal has been decided, provided he agrees in writing to be bound by the conditions imposed until the time for appeal has expired or the appeal is decided.